



VIRGINIA BEER WHOLESALERS ASSOCIATION

PREPARED BY

ALCOHOL BEVERAGE LAWS AND REGULATIONS

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VIRGINIA BEER WHOLESALERS ASSOCIATION

VISION STATEMENT:

The Virginia Beer Wholesalers Association is the leading voice for the Commonwealth's independent, family-owned beer distributors.

MISSION STATEMENT:

The purpose of the Virginia Beer Wholesalers Association is to preserve the Three Tier system, to champion state-based alcohol regulation, to advocate before the government, to educate the public, and to develop and support beverage alcohol policies that enhance consumer choice while providing a safe and well-regulated marketplace in Virginia.

GUIDING PRINCIPLES:

The Virginia Beer Wholesalers Association will adhere to the following guiding principles in pursuing its Mission:

- Uphold and promote the highest standards of ethical, lawful, and good faith conduct among its members and other participants in the Three Tier system
- Encourage the responsible consumption of beverage alcohol
- Recognize that education is essential to the advocacy process
- Inspire and embrace an inclusive and diverse workforce
- Value the role of beer distributors as good corporate citizens with impactful civic engagement in the communities they serve
- Insist on a culture of transparency and member engagement within the Association and in its advocacy efforts

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A MANUAL FOR WHOLESALERS AND ALCOHOL PRACTITIONERS

An Updated Overview of Virginia's Alcohol
Laws, Regulations, and Policies

The manual you are now reading was originally prepared through the exhaustive efforts of [VBWA Outside Counsel Kevin McNally of Marston and McNally, P.C.](#) in the Spring of 2022. It has since been revised and updated annually by VBWA General Counsel Mike Mullin.

Promoting the Three Tier System

THE VBWA

[Wholesalers and Distributors Investing in
Their Business and Their Communities](#)

The VBWA was founded in 1937 by nine beer wholesalers from across Virginia to promote the responsible use of alcoholic beverages, preserve and protect the Three Tier System, and further the business interests of our industry.

OUR MEMBERS



At the heart of the VBWA's mission is the protection and promotion of the Three Tier system of alcohol regulation. The Three Tier model has been in place since Prohibition and has provided a sound basis in public policy. It promotes public safety, controls consumption, allows for the regular collection of taxes, and maintains an orderly marketplace.

While close to a century old, the Three Tier system remains nimble and responsive to a rapidly changing alcohol beverage landscape. With the rise of craft brewing, ready-to-drink beverages, and non-alcoholic beverages, wholesalers and the Three-tier system have remained the best way to bring beverages to market.

The three core components of the Three Tier system have been enshrined in the Virginia Code. They are: The Beer Franchise Act, Tied House Laws, and the Cash Law.

The Beer Franchise Act provides broad market access for beverages and brands and offers distributors safeguards that promote investment and brand-building.

Tied House Laws promote robust competition between the tiers by preventing vertical integration.

The Cash Law promotes an orderly market by preventing abuses in the marketplace.

The VBWA, as a trade association, continues to look to the future of the alcoholic beverage industry and to ways to promote our members' businesses through firm public policy and robust political advocacy.

VBWA STAFF

OUR TEAM

Our professional staff at the VBWA is available to our members to answer questions or assist in any way. Each of our team members can be reached directly here.



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ADVERTISING

TOPIC	SUMMARY	NOTES
Generally		
Advertising, Generally	- No advertising is permitted that would induce minors to drink or that would induce consumers to drink to excess. - No advertising is permitted that is obscene or suggests illegal activity. - No advertising may be false or misleading. - No advertising is permitted that implies government endorsement (no flags, insignia, etc.). - No advertising may incorporate the name, image, or likeness of athletes under 21, athletes consuming alcohol during an athletic activity, or operating a motor vehicle, or that implies that the product improves athletic prowess. - SEE, Point-of-Sale: Professional Athletes below. SEE ABC Regulations 3 VAC 5-20-10 and Virginia Code §4.1-209.	EXCEPTION: Point-of-sale materials may feature professional athletes and athletic teams if displayed only in interior premises and subject to certain conditions.
Cooperative Advertising	- Cooperative advertising between retailers, manufacturers, and wholesalers is prohibited. - Manufacturers and wholesalers cannot, directly or indirectly, pay or credit a retailer for any advertising done by the retailer, except for those listed in 3 VAC 5-30-60 and 3 VAC 5-30-80. SEE Virginia Code § 4.1-111.B.13 SEE ABC Regulations 3 VAC 5-20-30; SEE ALSO 3 VAC 5-30-80	A wholesaler cannot contribute to or offset the cost of advertising for a retailer's store or restaurant, even if the advertising features the wholesaler's product.

TOPIC	SUMMARY	NOTES
Non-Alcoholic Beverage Advertising	• ABC does not regulate the advertising of non-alcoholic beverages if the advertising prominently states that the product is non-alcoholic. • SEE ABC Regulations 3 VAC 5-20-10; • SEE ALSO ABC Regulations 3 VAC 5-20-30; 3 VAC 5-30-60; 3 VAC 5-30-80	As a rule, nonalcoholic beverages are not regulated by ABC; thus, advertising of nonalcoholic beverages (including novelty items) is likewise unregulated.

ADVERTISING MATERIALS

TOPIC	SUMMARY	NOTES
Advertising Material Permitted to Be Given to a Retailer (Signs)	- Wholesalers may lend or give to retailers any advertising materials that are made of paper, cardboard, canvas, foam, rubber, or plastic, provided that: - The materials have a value of \$40 or less per item (no illuminated devices). - Wholesalers may give retailers clip-ons and table tents featuring alcoholic beverage advertising. SEE Virginia Code § 4.1-216.1; SEE ALSO ABC Regulations 3 VAC 5-30-60; 3 VAC 5-30-80.	Interior display signs cannot be made of metal or contain metal, such as metal feet or stands. ABC has permitted the use of horizontal metal rods to support signs when such rods are not visible, but only on a case-by-case basis.
Advertising Materials Permitted to Be Given to a Retailer (Consumables, Coupons, etc.)	- Wholesalers may give retailers napkins, place mats, and coasters that: - refer to nonalcoholic beverages, OR - promote moderation and responsible drinking, provided that the brand name/logo or wholesaler information is subordinate to the message (i.e. much smaller). - Wholesalers may give "neckers," recipe booklets, brochures, and history guides if offered to all retailers and with the retailer's consent. - Wholesalers may provide retailers with coupon books and point-of-sale entry blanks. Wholesalers may not put entry blanks on product packages. SEE ABC Regulations 3 VAC 5-20-90; 3 VAC 5-30-80	Wholesalers may not offer coupons, but manufacturers may. Coupons may not be customized for the retailer (i.e., no retailer name).

TOPIC	SUMMARY	NOTES
Advertising Materials Permitted to Be Installed at a Retailer (Signs)	- Advertising materials that may be given to a retailer may be installed by the wholesaler in the interior of the retailer's establishment. - Wholesalers may put retail prices on those materials. SEE ABC Regulations 3 VAC 5-30-80. - SEE ALSO: Interior Advertising: Happy Hour Signage below in Indoor and Outdoor Signage section.	Happy Hour signs may be given to a retailer, but a wholesaler may install such signs only inside the premises.
Advertising Materials Allowed to Be Given and Customized for a Licensee	- Wholesaler may give advertising materials to a retailer that have been customized for that retailer, provided such materials are: - Compliant with all other Authority regulations - For interior use only. - Refer only to the brands offered by the wholesaler. - Made equally available to all retailers. SEE ABC Regulations 3 VAC 5-30-80.	
Advertising Service Items Permitted to Be Sold to Retailers	- Wholesalers may NOT sell service items with alcoholic beverage advertising to on-premises retailers. - Service items are napkins, glasses, buckets, coasters, bar pads, etc. Items that retailers typically use to serve alcohol to patrons. SEE Virginia Code §4.1-201(A)(11); ABC Regulations 3 VAC 5-30-80.	Only manufacturers and their "authorized vendors" may sell retailers "service items." Wholesalers are not "authorized vendors."
Advertising Materials Permitted to Be Sold to Banquet Licensees	- Wholesalers may sell to banquet licensees glasses, paper cups, or plastic cups that bear alcoholic beverage advertising. - Price charged must be a reasonable wholesale price. SEE ABC Regulations 3 VAC 5-30-80.	

TOPIC	SUMMARY	NOTES
Novelties and Specialties		
Novelties and Specialties: Permitted to Be Given to Retailers	- Wholesalers may provide novelty items bearing alcoholic beverage advertising to retailers if: - They are priced at \$10 or less wholesale. - Items given must be equal to the number of retail employees present at the time. - Apparel must be adult-sized. - Wholesalers cannot give away novelty items to patrons. SEE Virginia Code §4.1-201(A)(12); ABC Regulations 3 VAC 5-30-100.	
Novelties and Specialties: Point of Sale Order Forms Permitted to Be Given to Retailers	- Point-of-sale order blanks related to novelty and specialty items may be provided to retailers if provided equally to all retailers and after obtaining the retailer's consent. - Wholesalers cannot be involved in the redemption process. SEE ABC Regulations 3 VAC 5-30-80; 3 VAC 5-30-100.	

TOPIC	SUMMARY	NOTES
Point of Sale		
Interior Point of Sale: Materials Permitted to be Given to Retailers	- Wholesalers may lend or give to retailers any advertising materials if they are made of paper, cardboard, canvas, foam, rubber, or plastic and have a value of \$40 or less per item. (No illuminated devices are permitted.) SEE Virginia Code § 4.1-216.1; SEE ALSO ABC Regulations 3 VAC 5-30-80.	Wholesaler-provided interior signs, point-of-sale materials, stands, etc., cannot include metal.
Interior Point of Sale Advertising: Professional Athletes Featured	- Point-of-sale materials for on-premises wine or beer retailers may include the use of professional athletes or teams, so long as the athlete is at least 21 years of age, is not shown consuming alcohol while engaged in athletic activity or driving, and the material does not suggest that alcohol enhances athletic prowess. SEE Virginia Code § 4.1-209 and ABC Regulations 3 VAC 5-20-10.	
Point of Sale: Novelties and Specialties	- Point-of-sale order blanks related to novelty and specialty items may be provided to retailers if provided equally to all retailers and after obtaining the retailer's consent. - Wholesalers cannot be involved in the redemption process. SEE ABC Regulations 3 VAC 5-30-100.	

TOPIC	SUMMARY	NOTES
Contests and Coupons		
Contests and Sweepstakes	- No advertising is permitted that requires a consumer to make a purchase of alcoholic beverages in order to participate in a contest or sweepstakes. - Wholesalers cannot participate in contests. SEE ABC Regulations 3 VAC 5-20-10.	
Consumer Refunds and Combination Packaging	- No wholesaler may advertise a thing of value to a consumer in exchange for a purchase, except for food or beverage offered at a discount as part of a "Happy Hour". Refund coupons and combination packaging, designed to be delivered intact to the consumer, are limited to manufacturer offers. SEE ABC Regulations 3 VAC 5-20-10 and 3 VAC 5-50-160.	
Coupons: Only Retailers and Manufacturers May Offer the Discount	- Manufacturers may offer coupons, up to 50% off the normal retail price. - No in-state manufacturer coupons are permitted. Manufacturer coupons may be redeemed electronically or by mail. - Consumer proof of purchase is required to redeem manufacturer coupons. - Coupons may be offered by print media, via the Internet, by mail or email, or as part of the packaging. - Wholesalers may provide coupon pads to retailers for use at their establishments, provided this is done equally for all retailers and with the retailer's consent. SEE ABC Regulations 3 VAC 5-20-90 and 3 VAC 5-30-80.	Wholesalers may not offer coupons, nor may they be involved in the redemption process. Wholesalers may provide coupons only to retailers and attach refund coupons to the packaging.

TOPIC	SUMMARY	NOTES
Coupons: Fees Prohibited	- Wholesalers may not pay retailers a fee to display or use coupons. SEE ABC Regulations 3 VAC 5-20-90.	
Coupons: Customization for Retailer Prohibited	- The retailer's name may not appear on any refund coupons issued by the manufacturer. - Wholesalers may not provide the retailer with any coupons designed or customized for the retailer. SEE ABC Regulations 3 VAC 5-20-90.	Wholesaler-provided interior signs, point-of-sale materials, stands, etc., cannot include metal.
Coupons: Age of the Consumer	- No coupon may be honored for an underage consumer. SEE ABC Regulations 3 VAC 5-20-90.	

TOPIC	SUMMARY	NOTES
Sponsorships		
Sponsorships: Generally	- Manufacturers may sponsor both public and charitable events. - Wholesalers may NOT sponsor public events. - Wholesalers may only cosponsor charitable events with manufacturers. - A charitable event is one held to raise funds for a charitable organization that is exempt from state and federal taxes. SEE ABC Regulations 3 VAC 5-20-100.	"Sponsorship" means donating something of value to an event organizer in exchange for advertising related to the event. (E.g., the donor's name appearing on signs for the event or in the event program).
Sponsorships: By Manufacturers	- Sponsorships by manufacturers are limited to the following activities: - Conservation and environmental programs, and - Professional, semi-professional, and amateur athletic sporting events, and - Charitable or cultural events. - Sponsorship by manufacturers of an event for those of college, high school, or younger age is prohibited. SEE ABC Regulations 3 VAC 5-20-100.	Wholesalers may only cosponsor charitable events with manufacturers.
Sponsorships: Cooperative Advertising Prohibited	- Cooperative advertising is prohibited for sponsorships. This includes payment or credit by the manufacturer or wholesaler to a retailer for any advertising the retailer conducts. SEE ABC Regulations 3 VAC 5-20-100.	Cooperative advertising is always prohibited.
Sponsorship: Awards of Alcohol Prohibited	- Awards or contributions of alcohol are prohibited. SEE ABC Regulations 3 VAC 5-20-100	Wholesalers cannot donate alcohol to a charitable event as a co-sponsor. A wholesaler may donate money, which the charity may use to purchase alcohol from the wholesaler.

TOPIC	SUMMARY	NOTES
Sponsorships: Advertising Size and Content	- The size and content of the alcoholic beverage advertising must conform to the other advertising of the event. - Advertising must emphasize the charitable fundraising nature of the event. SEE ABC Regulations 3 VAC 5-20-100.	Wholesaler advertising of its co-sponsorship of a charitable event should emphasize the charity, not the wholesaler's products or business.
Sponsorships: Distribution of Information	- Advertising for an event may appear in any media (print, Internet, TV, radio, direct mail, flyers, programs, tickets), in the interiors of licensed or unlicensed retailers, and at the event site. SEE ABC Regulations 3 VAC 5-20-100. - Customized advertising about an event may also be provided to retailers: - for interior use only, - containing references only to the brands offered by that wholesaler; and, - are available to all licensed retailers. SEE ALSO ABC Regulations 3 VAC 5-30-80.	All such charitable event advertising must also comply with all other ABC regulations regarding advertising, tied house, etc.
Sponsorships: Banquet Licenses	- A municipality or nonprofit holding a gift shop license may deactivate that license and instead utilize a banquet license during a special event if: - The special event is to be held on the grounds of a museum or a government-registered national, state, or local historic site AND - The municipality or nonprofit uses no more than 8 banquet licenses per year. SEE Virginia Code § 4.1-215(A)(4) and Virginia Code § 4.1-103(24)	During the period when a gift shop license is deactivated, a manufacturer, bottler, broker, importer, or wholesaler may sponsor or provide support, including equipment, staff, financial support, and other support, for the licensed special event.

TOPIC	SUMMARY	NOTES
Indoor and Outdoor Signage		
Interior Advertising: \$250 Value Limit for Retailers	- Retailers may display any advertising materials having a wholesale value of no more than \$250 per item inside a licensed establishment. - Such materials may not be illuminated, except for back-bar pedestals for spirits. SEE Virginia Code § 4.1-216.1	Retailers must purchase these items because wholesalers can only provide advertising materials with a value of \$40 or less.
Interior Advertising: Happy Hour Signage	- ABC has ruled that a distributor may provide a retailer with customized happy hour signage, provided the signage: - Does NOT pre-list prices or promotion hours. Blank spaces may be left for the retailer to write in that information, and it - Does NOT reference any alcoholic beverage products other than those carried by the wholesaler providing the signage, and it - Does NOT promote “all you can drink,” “buy-1-get-1-free,” or “2-for-1 specials.” Drinks prices may be lowered during happy hour, but every beverage must be sold separately. - Does NOT induce minors or the interdicted to drink, or anyone else to drink to excess. - Happy hour signage must conform to all interior advertising and signage requirements. SEE ABC Regulations 5-50-160	According to recent ABC guidance, a wholesaler may provide a generic happy hour sign (e.g., a standard template incorporating permissible 5-50-160 language), provided it is not customized to a specific promotion and is available to all licensees. Licensee-specific information may be added, as long as all requirements of 3VAC5-30-80(M) are met.
Outdoor Advertising: Things of Value	- No wholesaler may give, sell, rent, buy for, or lend to any retailer any outdoor advertising or billboard placement that constitutes a thing of value. SEE ABC Regulations 3 VAC 5-20-30. SEE ALSO ABC Regulations 3 VAC 5-30-80.	Wholesalers cannot give a retailer outdoor advertising of any sort. Nor can a wholesaler, directly or indirectly, fund any billboard advertising by a retailer.

TOPIC	SUMMARY	NOTES
Outdoor Advertising: Content of Signs	- Outdoor advertising may not contain: - People consuming alcohol - Cartoon characters - Models or actors under legal drinking age. SEE ABC Regulations 3 VAC 5-20-30.	Wholesaler advertising of its co-sponsorship of a charitable event should emphasize the charity, not the wholesaler's products or business.
Outdoor Advertising: Billboard Locations	- The placement of billboards is highly restricted (schools, playgrounds, and churches). SEE GENERALLY Virginia Code § 4.1-112.2. - All outdoor advertising must comply with the Department of Transportation's statutes (at Chapter 12 of Title 33.2 of the Code of Virginia) and regulations SEE ABC Regulations 3 VAC 5-20-30. - Any roadway directional signs referencing alcohol must comply with Department of Transportation rules. SEE Virginia Code § 4.1-113.1.	All such charitable event advertising must also comply with all other ABC regulations regarding advertising, tied house, etc.
Outdoor Advertising: Manufacturer Control	- No manufacturer or importer can require a wholesaler to replace outdoor alcohol advertising or exercise control over the funds of a wholesaler for any purpose, including for the purchase of outdoor alcohol advertising. SEE ALSO ABC Regulations 3 VAC 5-30-80.	A brewery cannot, either directly or indirectly, require a wholesaler to buy or pay for billboard advertising.

TOPIC	SUMMARY	NOTES
Print and Electronic Media		
Print and Electronic Media: Generally	- All advertising must include the name and address of the responsible advertiser. - Alcoholic beverage advertising is prohibited in publications not of general circulation that are distributed or intended to be distributed primarily to those over 21. All advertisements of alcohol are prohibited in publications intended to be distributed to high school or younger age. - Electronic media means the use of radio, television, e-mail, the Internet, etc. SEE ABC Regulations 3 VAC 5-20-40.	Retailers must purchase these items because wholesalers can only provide advertising materials with a value of \$40 or less. HB 522 & SB 182 passed in 2024 added clarifying language to Virginia Code § 4.1-111(B)(24) which states that the Board may “prescribe the terms and conditions under which manufacturers, brokers, importers, and wholesalers may advertise and promote alcoholic beverages via the Internet, social media, direct-to-consumer electronic communication, or other electronic means in a manner not inconsistent with the provisions of this subtitle.” This language is consistent with current law.
Print and Electronic Media: College Publications	- Advertising is not allowed in college student publications except in reference to a dining establishment. - College student publications are those prepared, edited, or published primarily by students and distributed primarily to persons under 21 years of age. - A wholesaler may publish in a college student publication, distributed primarily to persons over 18 and under 21, an advertisement that promotes public health, safety, and welfare. Examples of such messages include moderation and responsible drinking messages, anti-drug messages, and warnings about driving under the influence. - Those advertisements may contain the wholesaler’s name, logo, and address, so long as they appear at the bottom of the message and are subordinate to it (smaller in scale). No pictures of the wholesaler’s product are permitted. - Any such message must include a statement of the state’s drinking age. SEE ABC Regulations 3 VAC 5-20-40.	Wholesalers should exercise due care when advertising alcoholic beverages in any college publication. Unless the wholesaler has a solid reason to believe that the publication’s target audience is primarily over age 21, it should avoid the risk.

TOPIC	SUMMARY	NOTES
Print and Electronic Media: 21 and Younger	- Advertising is prohibited in publications not of general circulation if the publication is distributed primarily to persons under 21 years of age, unless in reference to a dining establishment. - General circulation includes major newspapers, mainstream magazines, and similar publications. SEE ABC Regulations 3 VAC 5-20-40.	Alcoholic beverage advertising in high school or grade school publications is strictly prohibited.

TIED HOUSE

TOPIC	SUMMARY	NOTES
Employment Restrictions		
Employment Restrictions	- Wholesalers are prohibited from employing any person engaged or employed in the retailing of alcoholic beverages. - Retailers are prohibited from employing any person who is engaged or employed in the manufacturing or wholesaling of alcoholic beverages. - EXCEPTIONS: This section shall not apply to: - Banquet licensees, farm winery licensees, or off-premises winery licensees, OR - Any situation in which the manufacturer or wholesaler does not sell or otherwise furnish, directly or indirectly, alcoholic beverages or other merchandise to the retailer. SEE ABC Regulations 3 VAC 5-30-20.	The separation between the tiers of the three-tier system prohibits cross-tier employment. The logic is that an employee of a manufacturer or wholesaler would exercise undue influence over alcohol purchases if that person were also employed by a retailer. A retail employee may be employed only by a manufacturer or wholesaler whose products are not sold at the retailer.

TOPIC	SUMMARY	NOTES
Inducements to Retailers		
Inducements to Retailers Prohibited: Exception – Draft Knobs	- Wholesalers may not provide a “thing of value” for use by the retailer in carrying out its retail business. - EXCEPTION: Wholesalers may sell, rent, lend, buy for, or give to any retailer, without regard to the value thereof, the following: - Draft beer or wine knobs containing advertising matter, OR - Tapping equipment required for the normal dispensing of beer. - All wholesaler provided knobs or tapping equipment must include the brand name and may further include only trademarks, house marks, and slogans. No illuminating devices or other mechanical devices that are not essential in the dispensing of draft beer or wine. - Clip-ons and table tents SEE ABC Regulations 3 VAC 5-30-60.	
Inducements to Retailers Prohibited: Other Tapping Equipment	- Tapping equipment may be given, lent, rented, or sold to a retailer, except for the following: - Carbonic acid gas in containers (may only be sold to retailers at a reasonable local open market price); - Gas pressure gauges (may be sold to retailers at wholesaler’s cost); - Draft arms or standards; - Draft boxes; - Refrigeration equipment or components; and - Carbon dioxide filters may be provided and installed without cost. SEE ABC Regulations 3 VAC 5-30-60.	“Tapping equipment” is all the parts of the mechanical system required for dispensing draft beer in a normal manner from the carbon dioxide gas pressure tank through the beer faucet. Items such as draft boxes and refrigeration equipment are not necessary for dispensing beer, so a wholesaler may not provide them to a retailer.

TOPIC	SUMMARY	NOTES
Inducements to Retailers: Keg Tapping Equipment for Consumers	- Wholesalers may sell, rent, or lend to off-premises retailers that sell kegs to consumers whatever tapping equipment is necessary for consumers to dispense the beer from the purchased keg. SEE ABC Regulations 3 VAC 5-30-60.	Only the tapping equipment necessary for a consumer to extract the beer from the keg is covered.
Inducements to Retailers: Dispensing Accessories and Carbon Dioxide	- Wholesalers may sell to any retailer and install in the retailer's establishment, dispensing accessories (such as standards, faucets, rods, vents, taps, tap standards, hoses, cold plates, washers, couplings, gas gauges, vent tongues, shanks, and check valves) and carbon dioxide (and other gases used in dispensing equipment). - The price charged to the retailer cannot be less than the cost that the industry member who initially purchased the accessories and gases. - The wholesaler must collect within 30 days of the sale date. SEE ABC Regulations 3 VAC 5-30-60.	These items may not be given, lent, or rented to a retailer; only sold.
Inducements to Retailers: Converting Tapping Equipment	- A beer wholesaler who originally placed beer tapping equipment on a retail licensee's premises may convert that equipment for wine tapping if: - The beer wholesaler is also a wine wholesale licensee; AND - At the time the equipment is converted, it is sold (or was previously sold) to the retail licensee at a price not less than the initial price paid by the wholesaler. SEE ABC Regulations 3 VAC 5-30-60.	

TOPIC	SUMMARY	NOTES
Inducements to Retailers		
Inducements to Retailers: Can Openers	- Wholesalers may give retailers can openers with alcoholic beverage advertising, so long as the wholesale value of the can opener is \$20 or less. Can openers with a wholesale value of more than \$20 may be sold to the retailer. SEE ABC Regulations 3 VAC 5-30-60.	
Inducements to Retailers: Banquet Glasses, Paper Cups, and Plastic Cups	- Manufacturers, their authorized vendors, and wholesalers may sell to banquet licensees glasses, paper, or plastic cups upon which advertising matter regarding alcoholic beverages appears. - Such glasses or cups must be sold at a reasonable wholesale price. SEE ABC Regulations 3 VAC 5-30-80.	
Inducements to Retailers: Advertising Materials Customized to Retailers	- Wholesalers may give advertising materials to a retailer that have been customized for that retailer, so long as they are: - o For interior use only; and, - o Refer only to the brands offered by the wholesaler; and, - o Are made available to all retailers. SEE ABC Regulations 3 VAC 5-30-80.	
Inducements to Retailers: Clip-ons and Table Tents	- Wholesalers may sell, lend, buy for, or give to any retailer clip-ons or table tents. SEE ABC Regulations 3 VAC 5-30-60.	

TOPIC	SUMMARY	NOTES
Inducements to Retailers: Cleaning and Servicing of Dispensing Equipment	- Wholesalers may clean and service coils and other similar equipment used in the dispensing of alcoholic beverages, either for free or for compensation. They may also sell solutions or compounds for cleaning alcoholic beverage glasses, provided that a reasonable open-market price is charged. SEE ABC Regulations 3 VAC 5-30-60.	
Inducements to Retailers: Ice	- Wholesalers may sell ice to retailers for a reasonable market price. SEE ABC Regulations 3 VAC 5-30-60.	
Inducements to Retailers: Sanctions and Penalties	- Wholesalers who attempt to violate, solicit any person to violate, or consent to any violation of this section shall be subject to the sanctions and penalties as provided in Virginia Code § 4.1-328. SEE ABC Regulations 3 VAC 5-30-80.	

TOPIC	SUMMARY	NOTES
Routine Business Entertainment		
Routine Business Entertainment	- Wholesalers may provide the following “routine business entertainment” to retailers: - Conditions on retailer entertainment include: - The retailer is not required to purchase alcoholic beverages, to provide any other benefit to the wholesaler or manufacturer, or to exclude from sale the products of any other wholesaler or manufacturer. - Wholesaler personnel must accompany the retail licensee during such business entertainment. - No more than \$400 may be spent in any 24-hour period on any: - Any employee of a retail licensee, - Any owner, partner, officer, or director of a retail licensee; - Any shareholder of 10% or more of the stock of a retail licensee - NOTE: Funds spent on the spouse, employee, owner, partner, or stockholder are not counted toward the \$400 limit. - No individual may be entertained more than 6 times by a wholesaler and 6 times by a manufacturer per calendar year. - Wholesalers must keep complete records for three years of all expenses incurred in entertaining retail licensees, including names, dates, amounts, and types of entertainment. - Personal friends of the manufacturers, importers, bottlers, brokers, or wholesalers are excluded. SEE ABC Regulations 3 VAC 5-30-70.	The permissions granted under regulation 3 VAC 5-30-70 do not permit wholesalers to provide the retailer with other “things of value.”

TOPIC	SUMMARY	NOTES
Price Discrimination		
Price Discrimination Between Retailers Is Prohibited	- No wholesaler can discriminate among retailers on the price of alcoholic beverages. - EXCEPTIONS: Retailers may charge different prices between retailers where the difference charged is due to any one of the following: - For quantity discounts or other terms that are accepted or rejected by different retailers. - NOTE: ALL retailers must be offered the same discounts and terms - For a bona fide difference in the cost of sale or delivery of the products, or - For when meeting the lower price charged by a competing wholesaler on a brand and package of like grade and quality. - ABC may require a wholesaler to substantiate the reasons for any difference in the prices it charges retailers. SEE ABC Regulations 3 VAC 5-30-90.	Price discrimination is prohibited unless it is excused for one or more of the three exceptions listed. Wholesalers bear the burden of proving to ABC that the price difference results from one or more of the three exceptions. A prudent wholesaler will carefully document the reasons for any price differences before discriminating on price. Any additional "service fees" or "delivery fees" should be invoiced separately from alcohol products. NOTE: Wine wholesalers may charge different prices to on-premises and off-premises accounts for the same wine product under certain conditions. SEE ABC Regulations 3 VAC 5-30-90.
Inducements or Receipt of Discrimination in Price Prohibited by Retailers	- It is unlawful to knowingly induce or receive discrimination in price. SEE ABC Regulations 3 VAC 5-30-90.	A retailer merely asking for a price that would result in price discrimination isn't unlawful. Success in obtaining an unexcused discriminatory price from a wholesaler is an unlawful act by both retailer and wholesaler.

TOPIC	SUMMARY	NOTES
Deposits on Containers		
Deposits on Containers: Redemption	- Wholesalers shall collect a deposit in cash at or prior to the time of delivery of any beer sold to a retail licensee for bottles, cardboard, fiber, or composition cases; kegs, and tapping equipment, cooling tubs, and cold plates for use by consumers. - The same deposit fee is charged to all retailers. - The sales ticket or invoice must show the deposit charged. - Deposits shall be refunded upon the return of containers in good condition. - Deposits shall not be required on containers sold as nonreturnable items. SEE ABC Regulations 3 VAC 5-30-40.	

TRADE PRACTICES

TOPIC	SUMMARY	NOTES
Generally		
Rotating, Repacking, Rearranging, Restocking, or Transferring Stock: Permitted Acts	• With the consent of the retailer, wholesalers MAY: ○ Rotate, repack, and rearrange alcoholic beverages in a display (this includes shelves, coolers, cold boxes, as well as the floor displays in a sales area); and, ○ Restock alcoholic beverages; and, ○ Rotate, repack, rearrange, and add to their own stocks of alcoholic beverages in a storeroom space assigned to them by the retailer; ○ Transfer alcoholic beverages between storerooms, between displays, and between storerooms and displays; and ○ Create or build original displays using only alcoholic beverages. • SEE ABC Regulations 3 VAC 5-30-10 (Tied House regulations).	

TOPIC	SUMMARY	NOTES
Rotating, Repacking, Rearranging, Restocking, or Transferring Stock: Prohibited Acts	- Wholesalers MAY NOT: - Alter or disturb in any way merchandise sold by another manufacturer, importer, bottler, broker, or wholesaler, whether it is in a display, sales area, or storeroom– EXCEPT: - When products from a manufacturer, importer, bottler, broker, or wholesaler have been erroneously placed in the area previously assigned by the retailer to another, or - When the retailer has reassigned to another floor display area that was previously assigned to one manufacturer, importer, bottler, broker, or wholesaler; - Put prices on products other than those sold by the manufacturer, importer, bottler, broker, or wholesaler; or - Sell or offer to sell alcoholic beverages to a retailer with the privilege of return (No “consignment sales”) SEE ABC Regulations 3 VAC 5-30-10 (Tied House regulations).	

TOPIC	SUMMARY	NOTES
Rotating, Repacking, Rearranging, Restocking, or Transferring Stock: Product Replacement	- Wholesalers MAY replace products sold and delivered to retailers under the following circumstances: - When the product was defective at the time of delivery, it may be replaced. - If a product was delivered in error, it may be replaced or a refund issued. - For quality control purposes, the product may be exchanged for an identical quantity and brand. - If no identical product is available to be exchanged for quality control purposes, the product may be exchanged for a product from the same manufacturer in the same quantity and at a comparable wholesale cost. It must reflect "exchange" on the invoice, and the Board's prior written approval must be obtained. - If an importer or manufacturer has discontinued production or importation, the product may be returned and refunded IF: - Product may be exchanged for a product from the same manufacturer in the same quantity and at a comparable wholesale cost. Such exchanges must be reflected as "exchange" on the invoice. There must be prior written approval of the Board. SEE ABC Regulations 3 VAC 5-30-10 (Tied House regulations).	

TOPIC	SUMMARY	NOTES
Rotating, Repacking, Rearranging, Restocking, or Transferring Stock: Product Replacement, Continued	• Wholesalers MAY replace products sold and delivered to retailers under the following circumstances: ○ When production of a product has been discontinued, the distributor may exchange it for a product from the same manufacturer on an identical quantity and comparable wholesale price basis. Any such exchange shall be documented by the word "exchange" on the invoice. ▪ Discontinued products may be returned and money refunded with the board's prior written approval. ○ Resalable draft beer may be returned and money refunded. ○ Products in the possession of a retail licensee whose license is terminated by operation of law, voluntary surrender or order of the board may be returned and money refunded upon permission of the board. ○ Products deemed a threat to public safety and not permitted to be sold in this Commonwealth may be replaced or money refunded with the board's permission. • SEE ABC Regulations 3 VAC 5-30-10 (Tied House regulations).	

TOPIC	SUMMARY	NOTES
Cash, EFTs, and Checks		
Cash Sales between Wholesalers and Retailers	• Sales of wine or beer between wholesalers and retail licensees shall be for cash. • Payment must be made and collected at or prior to delivery. ○ Exception: where payment is to be made by electronic fund transfer. ○ SEE Payments by Check, Money Order, or Electronic Fund Transfer and Electronic Fund Transfers: Additional Provisions Sections. • All sales must be covered by an invoice signed by the purchaser at the time of delivery and specifying the manner of payment. • SEE Definition of “Cash” section. • SEE ABC Regulations 3 VAC 5-30-30 (Tied House regulations).	

TOPIC	SUMMARY	NOTES
Cash Payments to Board	• Payments to the Board for the following items must be for cash: ○ State license taxes and application fees. ○ Wine taxes and excise taxes on beer and wine coolers. ○ Solicitors' permit fees and temporary permit fees. ○ Registration and certification fees, as well as cider markup or profit collected pursuant to these regulations. ○ Civil penalties, charges, and costs imposed on licensees and permittees by the Board. ○ Forms provided to licensees and permittees at cost by the Board. • SEE ABC Regulations 3 VAC 5-30-30 (Tied House regulations).	Purchases at government stores may be made in cash, credit card, or debit card, provided they comply with Virginia Code § 4.1-119(H) .

TOPIC	SUMMARY	NOTES
Definition of "Cash"	- Cash includes: - Legal tender. - A money order. - A valid check. - An electronic funds transfer (EFT). SEE ABC Regulations 3 VAC 5-30-30 (Tied House regulations).	Credit Cards are never cash.

TOPIC	SUMMARY	NOTES
Payments by Check, Money Order, or Electronic Fund Transfer	• Payments made by check, money order, or EFT: ○ If only alcoholic beverage merchandise is being sold to the retailer, the amount of the checks, money orders, or EFTs cannot exceed the purchase price of the alcoholic beverages. ○ If both alcoholic and nonalcoholic beverage merchandise are sold to the retailer, the amount of the check, money order, or EFT cannot exceed the total purchase price of both merchandise types. ○ Note that: ▪ If a separate invoice is used for the nonalcoholic merchandise, a copy of it must be attached to the invoice for the alcoholic merchandise retained by the wholesaler/retailer. ▪ If a single invoice covers both alcoholic and nonalcoholic beverage merchandise, the alcoholic beverage items must be separately identified and totaled. • SEE ABC Regulations 3 VAC 5-30-30.	Never combine alcoholic beverages and non-alcoholic items, or service fees, on the same invoice unless the items are plainly identified and separately totaled.

TOPIC	SUMMARY	NOTES
Electronic Fund Transfers: Additional Provisions	• If a licensed retailer or a permittee is using an EFT to pay for a purchase from a wholesaler or the Board, the following things apply: ○ BEFORE the EFT, the retailer must enter into a written agreement with the wholesaler specifying the terms and conditions for an EFT payment for the delivery of beer or wine to that retail licensee. ○ The wholesaler shall initiate the EFT no later than 1 business day after delivery, and the retailer's bank shall credit the wholesaler's account no later than the following business day. ○ "Business day" means a business day of the respective bank. • The wholesaler must generate an invoice covering the sale of beer or wine. The invoice must specify that payment is to be made by EFT. Each invoice must be signed by the purchaser at the time of delivery. • No licensee is required to accept payment by electronic transfer. • SEE ABC Regulations 3 VAC 5-30-30 (Tied House regulations).	Regulations require a written agreement between a wholesaler and a retailer for the use and acceptance of EFTs before the retailer accepts EFTs.

TOPIC	SUMMARY	NOTES
Invalid Checks, Stop Payment Orders, Insufficient Fund Reports and Incomplete EFTs: Records	- Wholesalers must maintain records of the following: - All invalid checks received from retail licensees for payment of beer or wine. - Any stop payment orders, insufficient fund reports, or any other incomplete EFTs reported by the retailer's bank in response to a wholesaler-initiated electronic fund transfer from the retailer's bank account. - The records must be kept on the wholesaler's licensed premises. SEE ABC Regulations 3 VAC 5-30-30 (Tied House regulations).	

TOPIC	SUMMARY	NOTES
Invalid Checks, Stop Payment Orders, Insufficient Fund Reports and Incomplete EFTs: Reports	- Wholesalers must report invalid checks or incomplete EFT reports received in payment of beer or wine when: - The invalid check or incomplete EFT is not satisfied by the retailer within seven days after the wholesaler receives notice of the invalid check or a report of the incomplete EFT; OR - In a 180-day period, the wholesaler has received more than one invalid check from any single retail licensee, more than one incomplete EFT report from the bank of a single retail licensee, or any combination of the two. - The reports must be submitted on a form provided by the Board. SEE ABC Regulations 3 VAC 5-30-30 (Tied House regulations).	It is unlawful for wholesalers to accept an invalid check from a retailer, so the receipt of that check must be reported to ABC. It is a violation by the wholesaler not to report an invalid check or EFT.

TOPIC	SUMMARY	NOTES
Solicitor Salespeople		
Solicitation of Wholesalers by Solicitor Salespeople: Permit Not Required	- Solicitor salespeople who represent a brewery, winery, wholesaler, or importer licensed in the Commonwealth do not require a permit to solicit, promote, or sell beer or wine to retailers. SEE ABC Regulations 3 VAC 5-30-50.	No solicitor's permit is required to promote, sell, or take orders for beer if the selling brewery or wholesaler is already licensed in Virginia.

TOPIC	SUMMARY	NOTES
Solicitation of Wholesalers by Solicitor Salespeople: Permit Required	- A permit is required for a beer or wine solicitor, salesperson, or representative of any out-of-state wholesaler engaged in the sale of beer or wine to solicit or promote beer or wine to wholesalers or retailers. SEE ABC Regulations 3 VAC 5-30-50.	A solicitor salesperson's permit is required to promote beer to wholesale and retail licensees if the selling wholesaler is not licensed in Virginia.

TOPIC	SUMMARY	NOTES
Solicitation of Licensees by Solicitor Salespeople or Representatives: What's Included and Not Included	• Solicitation and promotion include educational programs regarding beer or wine for mixed beverage licensees, but any promotion or education of spirits to mixed beverage licensees requires an additional spirits solicitor' permit. • Soliciting or promoting beer or wine is distinguished from: - o The sale of beer or wine. - o The direct solicitation or receipt of orders for alcoholic beverages. - o The negotiation of any contract or contract terms for the sale of alcoholic beverages. • NOTE: A representative of a wholesaler may always call on retail licensees to check on market conditions, the freshness of products on the shelf or in stock, or on the percentage or nature of display. • SEE ABC Regulations 3 VAC 5-30-50.	Licensed solicitor salespeople representing out-of-state wholesalers can promote the beer, but can't sell it, take orders for it, or negotiate a contract for the sale of the beer.

TASTINGS AND SAMPLES

TOPIC	SUMMARY	NOTES
On-Premise Marketing Events	- Where servings of beverages are purchased from an on-premises retailer by manufacturers or distributors and served to patrons by the retailers for on-premises consumption. - Manufacturers, wholesalers, and their authorized representatives may purchase a product from an on-premises employee for that employee to serve to a patron. The wholesaler must be present, and no more than \$100 may be spent in any 24-hour period at any single retailer. - Manufacturers and distributors are liable for the conduct of their employees and authorized representatives. SEE Virginia Code § 4.1-201.1.	A maximum of 16 oz of beer may be purchased per patron in any 24-hour period. The manufacturers' authorized representatives must have a proper permit issued pursuant to Virginia Code § 4.1-212(A)(15).
Tastings - Permits by Contractors	- The Board may grant a permit that authorizes any person to conduct tastings in accordance with the rules above, provided that the person is: - Under contract to conduct such tastings on behalf of the wholesaler - The contract grants to the applicant the authority to act as the authorized representative of the wholesaler; and - The contract acknowledges that the wholesaler named in the application may be held liable for any violation of the rules above by its authorized representative. - A permit issued pursuant to this section shall be valid for at least one year. SEE Virginia Code § 4.1-212.	

TOPIC	SUMMARY	NOTES
Retailer Educational On-Premises Tasting Events	- Rules for events sponsored by the on-premises or on-and-off premises retailer and held at the retailer's premises to educate consumers about the beer or wine being sampled: - Must be beer or wine only. - Participants: No wholesalers. Breweries, wineries, and farm wineries may participate with the retailer's permission, including pouring and serving the samples. - Retailers may sell or give samples. - On-premises consumption only. - Serving Limitations: - Beer: Four ounces per sample (up to twelve ounces in a day per consumer). - Wine: Two ounces per sample (up to five ounces in a day per consumer). SEE Virginia Code § 4.1-209(B).	
Retailer Non-Educational On-Premises Tasting Events	- Rules for events sponsored by the on-premises retailer: - Beer, wine, or spirits. - Participants: On-premises licensees only. Manufacturers and their authorized representatives. - Retailers, if authorized to sell such alcohol, may give samples of beer, wine, or spirits for on-premises consumption. - Serving limitations: - Beer: Four ounces per sample (up to twelve ounces in a day per consumer). - Wine: Two ounces per sample (up to five ounces in a day per consumer). - Spirits: One-half ounce, unless served as a mixed beverage, in which case one-and-one-half ounces (up to three total ounces of spirits in a day per consumer). SEE Virginia Code § 4.1-201(A)(10); SEE ALSO Virginia Code § 4.1-209.	Wholesalers may not participate in tastings held by on-premises licensees

TOPIC	SUMMARY	NOTES
Off-Premise Tastings	- Rules for off-premises tastings: - Must be off-premises beer and wine licensees (grocery store, gourmet shop, convenience store, etc.) - Only beer and wine may be served. - Participants: Off-premises retail licensee. With permission of retailer distributors, breweries, wineries, and farm wineries may also participate, including the pouring of the samples. - Serving limitations: - Beer: Four ounces per sample. - Wine: Two ounces per sample. - No more than twelve ounces of beer or five ounces of wine per day per consumer. SEE Virginia Code § 4.1-206.3.	
Tastings by Distilleries	- Tastings by distilleries have different rules. Distiller licensees may sell spirits, beer, wine, or cider for on- and off-premise consumption, provided the alcohol is manufactured on the same or a continuously licensed premise. - Serving limitations: - Beer: 12 ounces per day - Wine or Cider: Five ounces per day, - Spirits: Six ounces per day. - A distillery is required to always have food “reasonably available” for spirits to be served. SEE Virginia Code § 4.1-119.	
Samples by Wholesalers	- Wholesalers may provide retailers with samples of products not currently carried by the retailer. Samples may be in containers. - Samples may not be sold and must be obtained from licensed wholesalers or purchased from retail licensees in the Commonwealth. SEE Virginia Code § 4.1-324 and Virginia Code § 4.1-325.2; SEE ALSO ABC Regulation 3 VAC 5-70-100.	The size limit for any sample container is 52 oz (1.5 liters). A container label must bear the word “Sample” in reasonably-sized lettering.

TOPIC	SUMMARY	NOTES
Samples by Retailers	- Retailers may give customers samples of beer or wine for on-premises consumption. - Serving limitations: - Beer: four ounces per sample - Wine: two ounces per sample - Spirits: one-half ounce per sample, unless served as a mixed beverage, in which case it can - contain up to one-and-a-half ounces - No more than twelve ounces of beer, five ounces of wine, or three ounces of spirits shall be given to any one person in one day. - Samples may also be used to educate the public about alcohol. - With the licensee's consent, farm wineries, wineries, and breweries may participate in the tastings.	Wholesalers may not participate in tastings conducted by on-premises licensees.
Permitted Activities for Beer Wholesalers	- Where a retail licensee sponsors and hosts an on-premises event for invited attendees and showcases one or more beverages served as part of the event: - May purchase tickets to and attend wine and beer dinners. - May invite retail customers. - May provide information on beers consumed at the event (whether such beers are sold by the distributor or importer). - May not pour beverages for attendees or provide any other service to the retailer at the event. SEE Virginia Code § 4.1-201(15).	Beer and wine wholesalers may provide adult attendees with information about the products being consumed, but may not pour.

GIFTS

TOPIC	SUMMARY	NOTES
Gifts to Personal Friends	• Gifts may be made to personal friends as part of normal social interactions but not as an effort to evade gift rules. • SEE ABC Regulation 3 VAC 5-70-100.	
Hospitality Rooms, Convention Educational Programs, Including Beverage Tastings, Research, Licensee Associations	• Wholesalers may host events at association conventions or for foundations (charitable, religious, scientific, literary, civic, or educational) on the wholesaler's premises. • Wholesalers may <u>donate</u> alcohol to: ○ Conventions, trade association gatherings, or similar meetings where the alcohol is intended to be consumed at the meeting. ○ Retail licensees attending a bona fide educational program relating to the alcoholic beverages being given away. ○ Research departments of educational institutions, or alcoholic research centers, for the purpose of scientific research on alcoholism. ○ Official associations of alcoholic beverage industry members when conducting a bona fide educational program concerning alcoholic beverages, with no promotion of a particular brand, for members and guests of those groups, associations, or organizations. • The wholesaler must give prior written notice of the activity to the ABC Board, describing the activity, including its date, time, and location. • The activity must be conducted in an adequately supervised room or rooms set aside for that purpose. Taxes must be paid on the alcohol donated and complete records must be maintained. • SEE ABC Regulation 3 VAC 5-70-100.	

TOPIC	SUMMARY	NOTES
Conventions, Educational Programs, Including Beverage Tastings, Research, Licensee Associations	- Manufacturers, importers, bottlers, brokers, and wholesalers may donate alcoholic beverages to: - A convention, trade association, or similar gathering, composed of licensees and their guests, when the alcoholic beverages donated are intended for consumption during the convention. - Retail licensees attending a bona fide educational program relating to the alcoholic beverages being given away. - Research departments of educational institutions, or alcohol research centers, for the purpose of scientific research on alcoholism. - Official associations of alcoholic beverage industry members when conducting a bona fide educational program concerning alcoholic beverages, with no promotion of a particular brand, for members and guests of those groups, associations, or organizations. - Prior written notice of the activity to the ABC Board, describing the activity, including its date, time, and location. - The activity must be conducted in an adequately supervised room or rooms set aside for that purpose. SEE ABC Regulations 3 VAC5-70-100.	Wholesalers <u>may not</u> donate alcoholic beverages to charitable organizations for the charity to serve to attendees at a special event. Wholesalers <u>may not</u> donate alcoholic beverages to charities for the charity to offer at auction at a special event. Wholesalers may donate money to a charitable organization without sponsoring the event. Wholesalers may only co-sponsor charitable events.

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